

HONORABLE RONALD B. LEIGHTON

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

AETNA HEALTH, INC., a Washington  
Corporation; and AETNA LIFE INSURANCE  
COMPANY, a Connecticut Corporation, on  
behalf of itself and its self-insured plans,

Plaintiffs,

v.

SAMUEL ROSS FOX, M.D., an Individual;  
KATHERINE M. FOX, an Individual;  
COTTONWOOD FINANCIAL SERVICES,  
L.C., a Utah Limited Liability Company;  
WASHINGTON MUTUAL BANK, a  
Washington Corporation; DISTRICT  
DIRECTOR-INTERNAL REVENUE  
SERVICE; and all other person or parties  
unknown claiming any right, title, estate, lien or  
interest in the real estate described in the  
Complaint,

Defendants.

No. 3:09-cv-05647 RBL

ORDER ON DEFENDANT SAMUEL  
ROSS FOX, M.D.'S MOTION FOR  
ORDER DEEMING REQUESTS FOR  
ADMISSION PROPOUNDED TO  
PLAINTIFFS TO BE ADMITTED [Dkt.  
#16]

This matter is before the Court on Defendant Samuel Ross Fox, M.D.'s Motion for Order Deeming Requests for Admission Propounded to Plaintiffs to be Admitted [Dkt. #16].

Defendant requests that the court deem the requests for admissions to which Plaintiffs admitted be deemed admitted. Plaintiffs argue that Fed. R. Civ. P. 36 does not provide for, nor contemplate, a motion requesting the court deem admissions to be admissions.

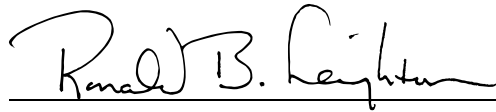
Fed. R. Civ. P. 36(b) states in part that "[a]ny matter admitted under this rule is conclusively established unless the court on motion permits withdrawal or amendment of the

1 admissions....” The rule does not state that an order from the court is permitted or required. A  
2 party may move for an order to determine the sufficiency of the response under Fed. R. Civ. P.  
3 36(a), but Rule 36 does not provide for Defendant’s request. The benefits of Rule 36 may be  
4 achieved without an order declaring that Plaintiffs’ admissions are deemed admitted.

5 Defendant Samuel Ross Fox, M.D.’s Motion for Order Deeming Requests for Admission  
6 Propounded to Plaintiffs to be Admitted is DENIED.

7 **IT IS SO ORDERED.**

8 Dated this 30<sup>th</sup> day of June, 2010.

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11 RONALD B. LEIGHTON  
12 UNITED STATES DISTRICT JUDGE  
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